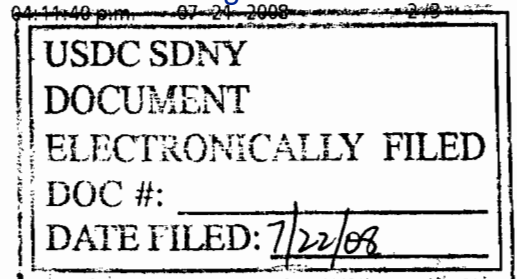




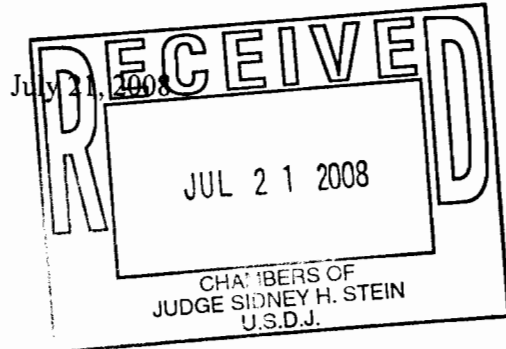
THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
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MEMO ENDORSED



BY FAX: (212) 805-7924  
Honorable Sidney H. Stein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Warren Cook v. City of New York, et al., 08 CV 5651 (SHS)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of this action on behalf of defendant City of New York. I am writing to request a sixty-day enlargement of time, from July 14, 2008<sup>1</sup>, until September 12, 2008, within which this office may answer or otherwise respond to the complaint. This is the City's first request for an enlargement of time in this action. Additionally, assuming that the request for an enlargement is granted, defendants also respectfully request an adjournment of the initial conference currently scheduled for August 26, 2008, at 11:30 a.m., until a date convenient for the Court after the answer is due<sup>2</sup>. Although I have attempted to contact plaintiff's counsel, I have not been successful and therefore do not know whether plaintiff consents to these requests.

The plaintiff alleges, *inter alia*, that he was subjected to false arrest, excessive force, and unlawful search, in violation of his constitutional rights. Plaintiff also alleges state law claims

<sup>1</sup> Defendants apologize for the lateness of this request. Defendants' counsel was on trial the week of July 14, 2008, before the Honorable Robert L. Carter, and only recently received this case assignment. Defendants have calculated their 60 day enlargement request from the date the answer was originally due.

<sup>2</sup> Should the Court decide not to adjourn the conference as requested, defendants respectfully request a brief adjournment as defendants' counsel will be returning from vacation on August 26, 2008, and will be available after that date.

including assault and battery. In addition to the City of New York, plaintiff also names Police Officer Caleb Louard<sup>3</sup>.

Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case and forward to plaintiff for execution authorizations for the release of the underlying arrest and prosecution records, which may have been sealed pursuant to NYCPL § 160.50. Without the underlying records, the defendants cannot properly assess this case or respond to the complaint. Accordingly, the enlargement of time will afford us the opportunity to investigate the matter and to secure the relevant documents.

This additional time should allow plaintiff to serve the individual defendants. Thereafter, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent the individually named defendant. The officers must then decide whether he wishes to be represented by this office. If so, we must obtain his written authorization. Only after this procedure has been followed can we determine how to proceed in this case.

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer or otherwise respond to the complaint until September 12, 2008. *Initial retreat conference remains at Sept. 26 at 11:30 A.M.*

Thank you for your consideration in this regard.

Respectfully submitted,

*[Signature]*  
Brian G. Maxey (BM 0451)

BY FAX: (212)-822-1463  
Christopher Wright, Esq.  
Attorney for Plaintiff

*7/21/08*  
*So ordered*  
*Silky H. Stein*  
*U.S.D.J.*

<sup>3</sup> Upon information and belief, Police Officer Louard has not yet been served in this matter.